REMARKS

Claim Rejections under 35 U.S.C. § 103(a)

Pending claims 1-9 were rejected under 35 U.S.C. § 103 as being obvious in view of the combination of U.S. Patent Nos. 5,074,308 to Sholder et al. ("Sholder") and 5,462,060 to Jacobson et al. ("Jacobson"). To establish a *Prima Facie* case of obviousness, there must be: (1) some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine references teachings; (2) a reasonable expectation of success; and (3) prior art references which teach or suggest all of the claim limitations. *See In re Kotzab*, 217 F.3d 1365, 1370 (Fed. Cir. 2000); MPEP § 2143 (8th Ed., Rev. 1). In view of the amendments to claim 1, this ground of rejection should be withdrawn because neither Sholder nor Jacobson, when considered alone or in combination, teach or suggest a "means for analyzing the cardiac activity and detecting in said cardiac activity a particular succession of events corresponding to a presence or an appearance of a spontaneous ventricular tachycardia" as taught in amended claim 1.[1]

Instead, Sholder principally discloses a means for suspecting pacemaker-mediated tachycardias ("PMTs"), which, by definition, are pace-maker induced tachycardias. The Sholder reference does not discuss detecting and treating spontaneous ventricular tachycardia as disclosed in the present invention. Sholder discloses simply a classical pacemaker, and although the Sholder pacemaker may be able to recognize pacemaker-mediated tachycardia, there is nothing in Sholder disclosing or suggesting means able to recognize and discriminate the presence of a spontaneous ventricular tachycardia.

Jacobson also fails to disclose such a feature and was principally relied on by the

Examiner for an algorithm for discriminating between ventricular tachycardia and ventricular defribillation (see Office Action at p. 4) rather than the detection of spontaneous ventricular tachycardia.

Moreover, there is nothing in Sholder or Jacobson that would suggest to one of ordinary skill in the art modifying Sholder in the manner suggested by the Examiner. The § 103 rejection therefore appears to be based on impermissible hindsight, and withdrawal of the rejection is respectfully requested.

CONCLUSION

Applicant believes all pending claims are now in condition for allowance. The Examiner is invited to call Applicant's undersigned representative if doing so would expedite prosecution.

Respectfully submitted,

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By: _____
W. Benjamin Tabler, Esq.
Registration No. 53,668

Orrick, Herrington & Sutcliffe LLP
4 Park Plaza, Suite 1600
Irvine, CA 92614-2558
Tel. 212-506-5053
Fax: 212-506-5151
Customer Number: 34313

[1] As noted above, in an Examiner interview on October 10, 2006, Examiner Kramer indicated preliminarily that this amendment was sufficient to overcome the cited prior art. Examiner Kramer stated that she would place an interview summary in the prosecution file in case the application was transferred to a different examiner.